



Department of Justice
Canada

Ministère de la Justice
Canada

NUMERO DU DOSSIER/FILE #: 2016-009364

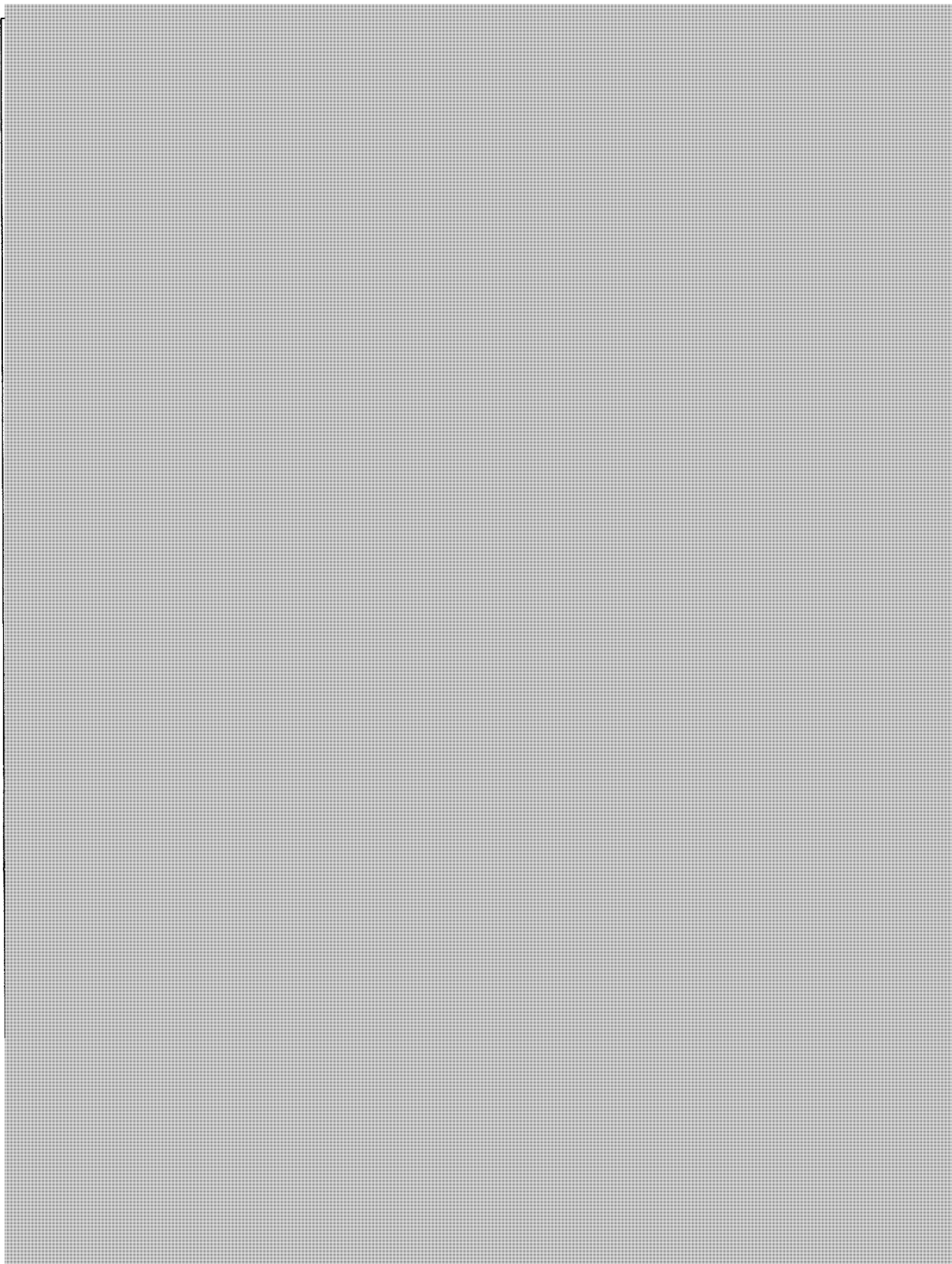
COTE DE SECURITE/SECURITY CLASSIFICATION: Protected B

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FOR INFORMATION

TITRE/TITLE: *Assembly of First Nations & First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*

s.23





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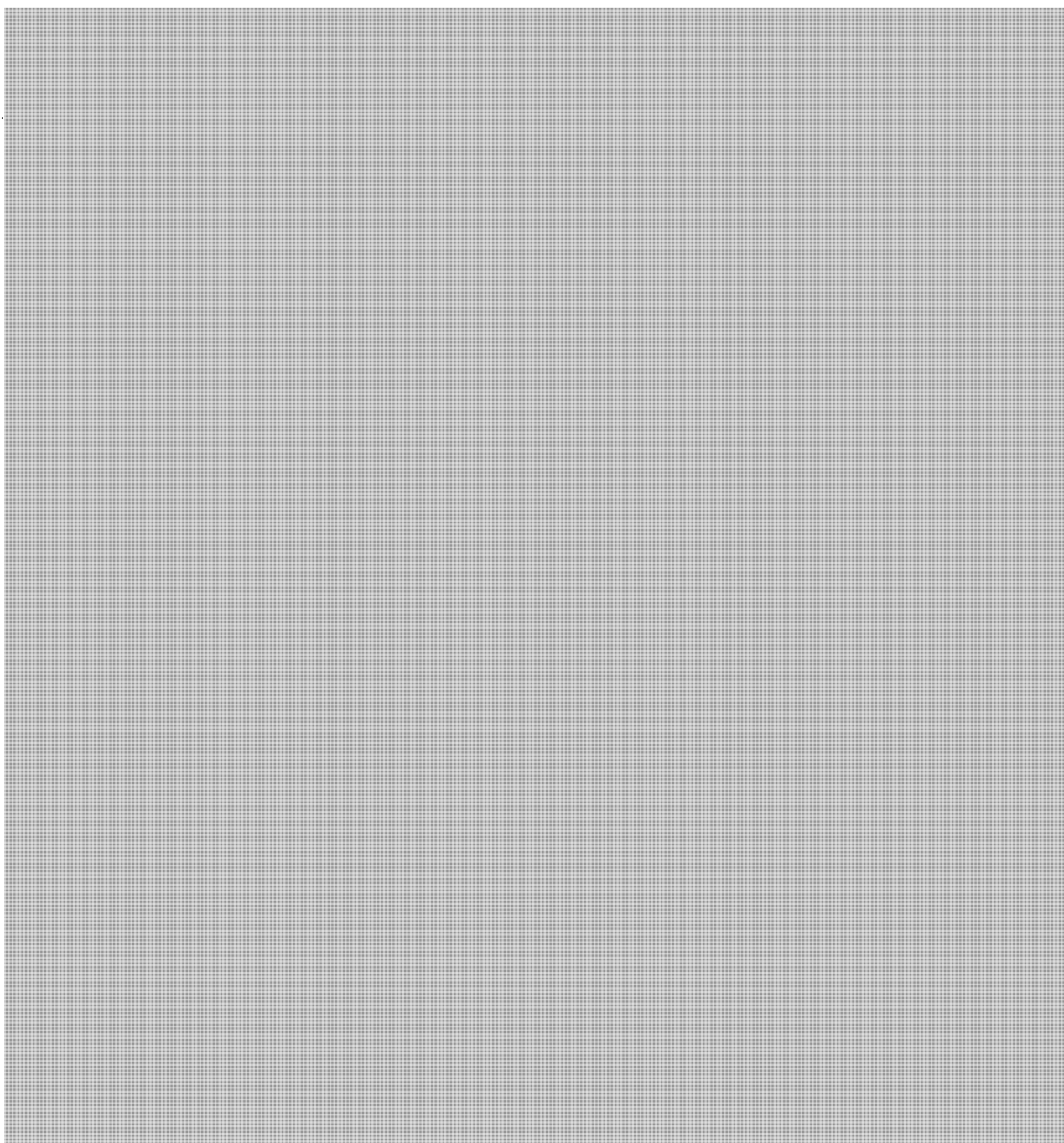
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2016-009364

MEMORANDUM FOR THE MINISTER

*Assembly of First Nations & First Nations Child and Family Caring Society of Canada
et al. v. Attorney General of Canada*

s.23



Pages 3 to / à 13
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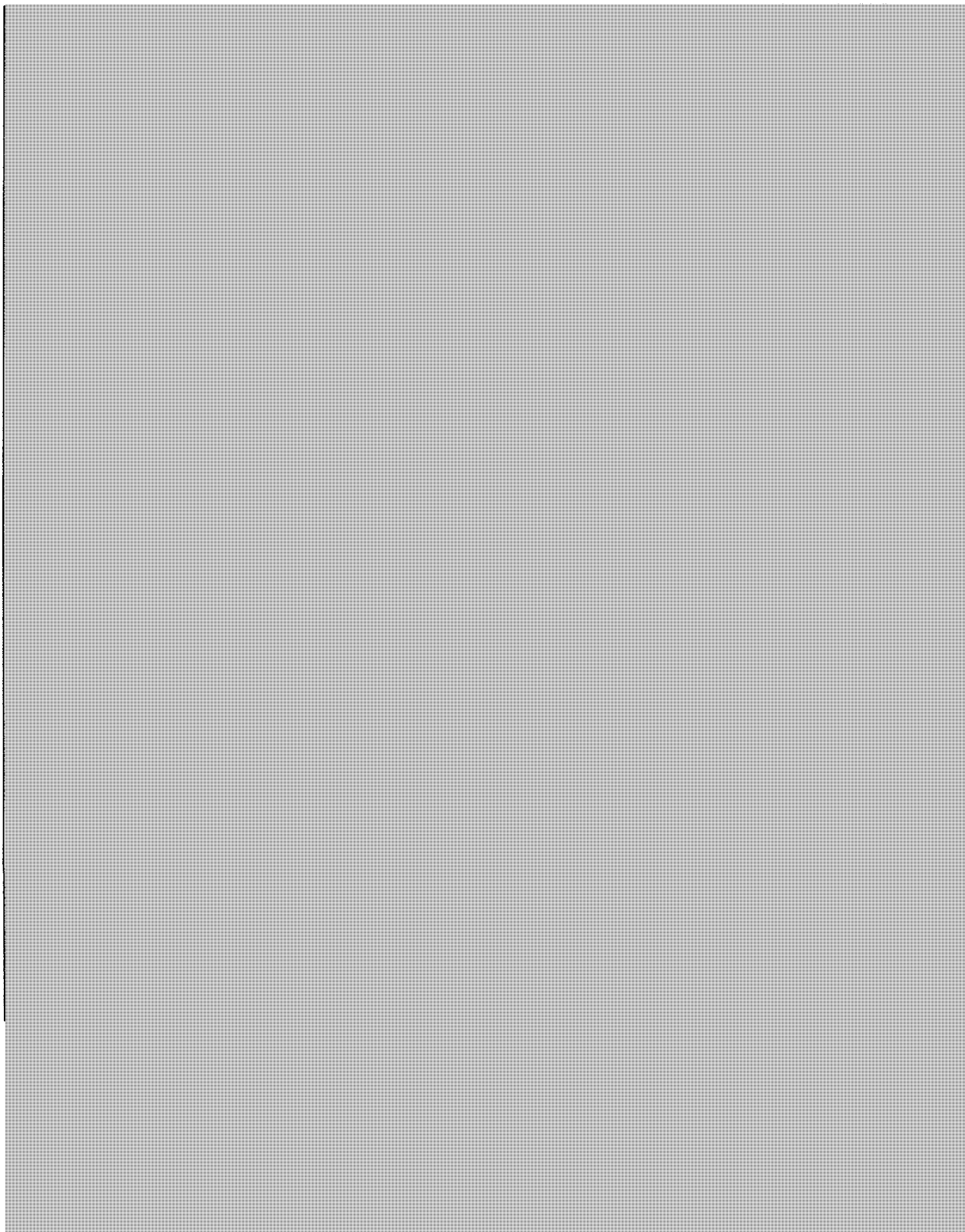
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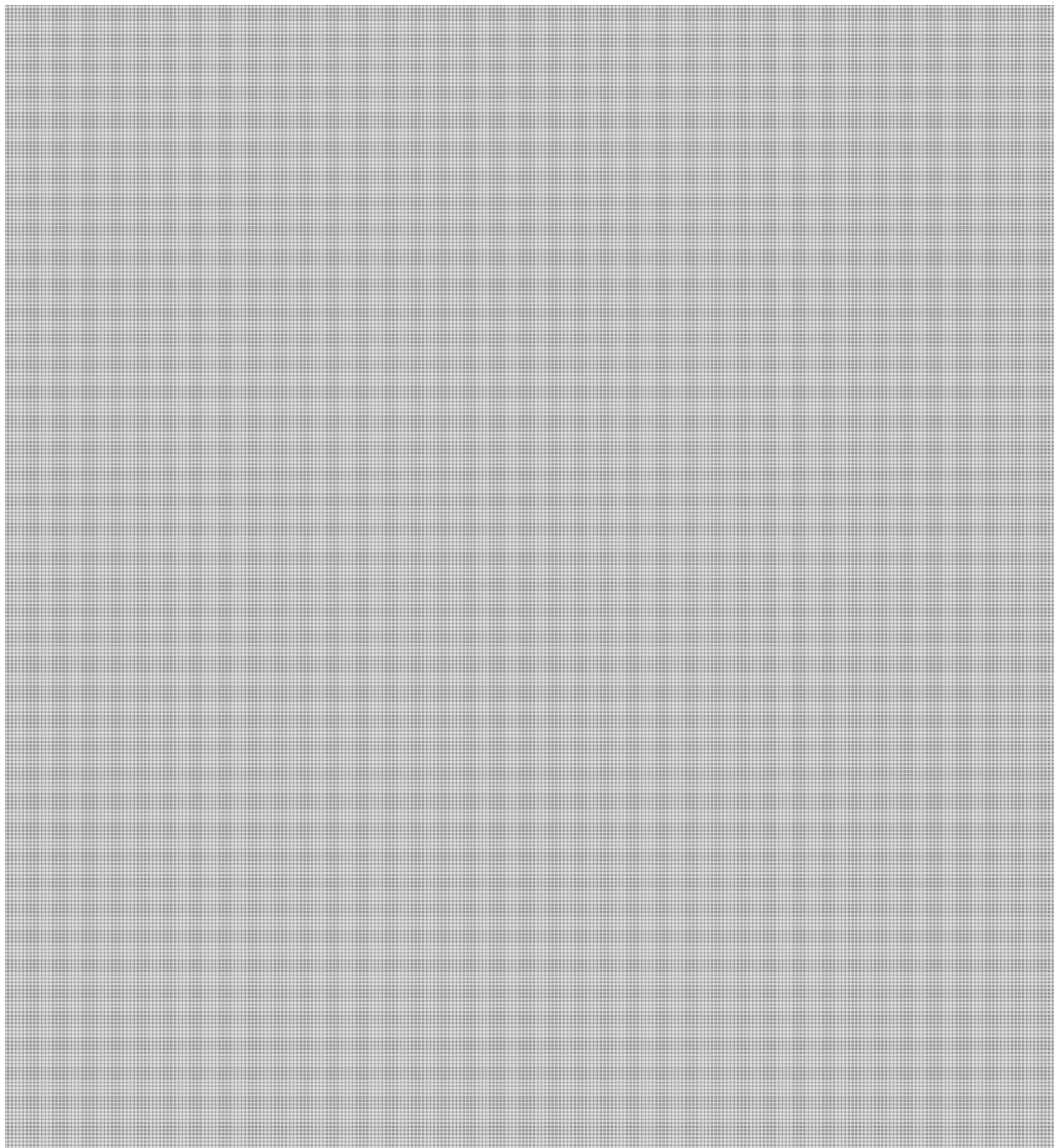
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2016-009364

MEMORANDUM FOR THE MINISTER

*Assembly of First Nations & First Nations Child and Family Caring Society of Canada
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s.23



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Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-006217

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For Approval

Action by/Deadline: 2016/04/05

MEMORANDUM TO THE DEPUTY MINISTER

The Agreement on Land, Rail, Marine, and Air Transport Preclearance between the Government of Canada and the Government of the United States of America:

**Approval of a consultation paper with respect to implementation of the Agreement including *Criminal Code* amendments
(FOR APPROVAL)**

SUMMARY

- The purpose of this note is to seek your approval of the use of the accompanying consultation document in consultations with key justice system stakeholders regarding *Criminal Code* amendments that would be required in order for Canada to implement the new criminal liability framework contained the Canada-United States (U.S.) Preclearance Agreement.
- Amendments to other Acts of Parliament will also be required in order for Canada to implement the Preclearance Agreement.
- A copy of the consultation document accompanies this note for your approval. (see Annex A).
- **DO YOU APPROVE?**

BACKGROUND

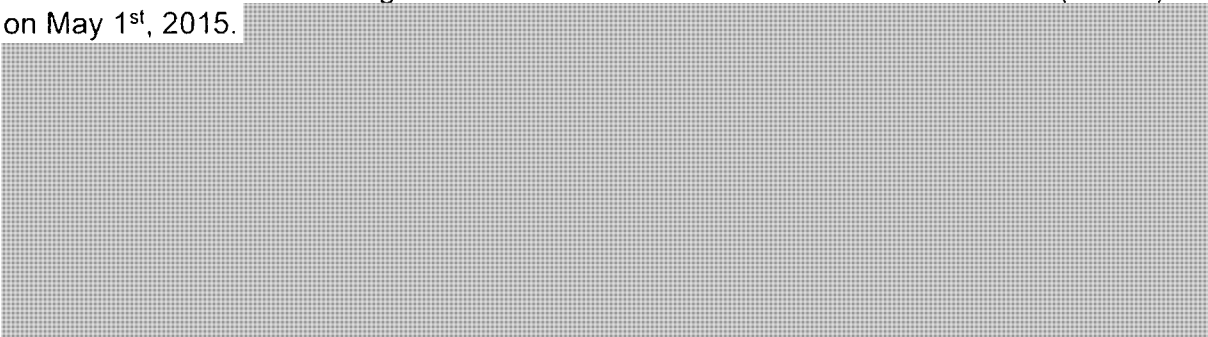
In early March 2016, the Government of Canada signaled its intention to introduce legislation to implement the ***Agreement on Land, Rail, Marine, and Air Transport Preclearance between the Government of Canada and the Government of the United States of America*** (Agreement). This Agreement was signed on March 16, 2015 by the Minister of Public Safety and the Secretary of Homeland Security.

An important piece under this new Agreement is the shared criminal jurisdiction framework provided for in Article X. Before legislation is introduced, the Department of Justice wishes to seek the views of key justice system stakeholders concerning the mechanisms required to give effect to the obligations created under Article X. The results of these consultations will inform the drafting of the *Criminal Code* amendments.

Due to the confidential nature of negotiations on the Agreement, the Department of Justice was not in a position to initiate any consultations regarding the new criminal liability framework until the treaty was signed and tabled in Parliament on April 22, 2015.

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Department of Justice officials had an opportunity to brief the FPT Heads of Prosecution Committee on the new criminal liability framework on April 29, 2015. Similarly, they briefed the FPT Coordinating Committee of Senior Officials - Criminal Justice (CCSO) on May 1st, 2015.



CURRENT SITUATION

Department of Justice officials would endeavour to have this matter included on the agenda of the CCSO meeting on April 14-15, 2016 in Banff, Alberta. They would also seek to have it discussed at the FPT Heads of Prosecution who will be meeting in St. John's, Newfoundland, on April 27-28, 2016.

The consultation paper is intended to focus the discussion with both groups. Other key justice system stakeholders, such as the Canadian Bar Association, have not as yet been consulted in any fashion on this matter. They will be provided a copy of the consultation paper and invited to provide their views at the earliest opportunity.

KEY CONSIDERATIONS / OPTIONS



The Department of Public Safety contacted the Canadian Association of Chiefs of Police (CACP) on March 22nd to inform them that Canada intends to introduce legislation in the Spring of 2016 to implement the Preclearance Agreement.

RESOURCE IMPLICATIONS

N/A

COMMUNICATION IMPLICATIONS

N/A

CCM#: 2016-006217

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RECOMMENDATION

It is recommended that you indicate your concurrence with the use of the consultation paper in consultations with key justice system stakeholders with respect to *Criminal Code* amendments required for Canada to implement the new criminal liability framework contained in the Canada-U.S. Preclearance Agreement by signing the approval block in the summary box.

Attachment

Annex A – CONSULTATION DOCUMENT

Prepared by:

Michael E.N. Zigayer, Senior Counsel, Criminal Law Policy Section (957-4736)

Date: March 23, 2016

Reviewed by:

Lucie Angers, Director and General Counsel, External Relations, CLPS (957-4750)

Date: March 31, 2016

Carole Morency, Director General and Senior General Counsel, CLPS (941-4044)

Date: April 1, 2016

Approved by:

Donald K. Piragoff, Senior Assistant Deputy Minister, Policy Sector (957-4730)

Date:

01/04/16

CCM#: 2016-006217

ANNEX A

CONSULTATION DOCUMENT

The Agreement on Land, Rail, Marine, and Air Transport Preclearance between the Government of Canada and the Government of the United States of America

Introduction

Preclearance is the process by which officers of the “inspecting” State stationed abroad in a “host” State inspect and make admissibility decisions about travelers and their accompanying goods or baggage before they leave a foreign port. Since 1974, United States (U.S.) preclearance officers stationed at various Canadian airports have been pre-clearing travellers and goods for entry into the U.S. for the purposes of customs, immigration, public health, food inspection and plant and animal health.¹ Currently, all foreign non-diplomatic officials working in Canada including U.S. preclearance officers are subject to Canadian criminal law and to the jurisdiction of Canadian criminal courts.

On April 22, 2015, the *Agreement on Land, Rail, Marine, and Air Transport Preclearance between the Government of Canada and the Government of the United States of America* (the Agreement) was tabled in Parliament.² This new Agreement is intended to further enhance both countries’ mutual security and facilitate low-risk cross-border movement in all modes of travel. Preclearance could be expanded to Billy Bishop Toronto City Airport, Quebec City's Jean Lesage International Airport, as well as for rail service in Montreal and Vancouver. Both countries will work to convert existing pre-inspection sites in British Columbia to full preclearance.

Both Canada and the U.S. will have to enact implementing legislation in order to be in a position to ratify the Agreement and to bring it into force. In early March 2016, the Government of Canada announced its intention to introduce legislation to implement the Agreement in the Spring of 2016. Before that legislation is introduced, the Department of Justice wishes to seek the views of key justice system stakeholders and other interested Canadians regarding *Criminal Code* amendments that would be required in order for Canada to implement the new criminal liability framework contained the Agreement. The Department would welcome your views with regards to the options set out at the end of this paper.

The new criminal liability framework

The Agreement contains a new criminal liability framework that recognizes the shared (concurrent) jurisdiction of both Parties over an offence allegedly committed by a preclearance

¹ In 1974, Canada and the United States entered into an *Air Transport Preclearance Agreement*. The following Canadian airports operate U.S. preclearance facilities: Calgary International Airport, Edmonton International Airport, Halifax Stanfield International Airport, Montréal-Pierre Elliott Trudeau International Airport, Ottawa Macdonald-Cartier International Airport, Toronto Pearson International Airport, Vancouver International Airport, and Winnipeg James Armstrong Richardson International Airport.

² The Agreement had been signed in Washington on March 16, 2015.

officer in the "host" Party's territory and determines which Party may assert "primary" jurisdiction over the alleged offence. The new framework is a fundamental departure from the traditional approach to dealing with alleged criminality by foreign officials in Canada.

The new criminal liability framework is found in Article X of the Agreement which is titled "Protections and Accountabilities". The new framework will impose restrictions on the existing authority of the Attorney General of Canada and provincial Attorneys General to prosecute U.S. preclearance officers for alleged *Criminal Code* or other offences committed within their jurisdiction.³

Under the new criminal liability framework, the U.S. may take primary jurisdiction over most alleged offences committed by U.S. preclearance officers "in the performance of their duties".⁴ The U.S. may also take primary jurisdiction over any acts committed while off-duty to the extent it considers these to be "directly related to facilitating activities undertaken pursuant to the agreement".⁵ The Agreement sets out factors to be used in determining whether the alleged criminal activity occurred "in the performance of duties" or was "directly related to facilitating activities undertaken pursuant to the agreement".⁶ The determination of whether the alleged conduct constitutes an offence of terrorism, murder, or aggravated sexual assault would be made by the United States and under U.S. law.

Under the Agreement, if the U.S. decides to exercise primary jurisdiction it would provide written notification to Canadian authorities of its decision.⁷ The U.S. has the right to determine an appropriate response to the alleged offence under American law. Depending on the nature of the alleged offence, the U.S. could prosecute the alleged offence or deal with the matter either by imposing an administrative penalty on the preclearance officer or, alternatively, not pursue any sanction. If the U.S., decides not to exercise its right to exercise primary jurisdiction over the matter, it is required to notify Canadian authorities of this decision as soon as practicable and where it waives the right to exercise primary jurisdiction, Canada may exercise its jurisdiction over the matter at its discretion.⁸

The new criminal liability framework will also impose restrictions on Canada's ability to seek the extradition of U.S. preclearance officers from third party states. More specifically, the Agreement precludes Canada from seeking the extradition of a U.S. preclearance officer from a third party or otherwise attempting or taking action which would interfere with the U.S. preclearance officer's international travel without the consent of the U.S..⁹

³ The Agreement is reciprocal. If Canada were to establish preclearance operations in the U.S., the same criminal liability framework would apply to Canadian preclearance officers stationed in the U.S..

⁴ Art. X s. 9

⁵ Art. X s.11

⁶ Art. X s. 9

⁷ Art. X s.14

⁸ Art. X s.15

⁹ Art X s. 10 of the Agreement provides in part: "The Host Party shall not seek extradition of an individual over whom it retains jurisdiction from a third country or otherwise attempt or take action which interferes with the individual's international travel."

The Agreement provides for several special circumstances in which jurisdiction over an alleged offence could be determined differently, including:

1. Where the acts done or omitted by a U.S. preclearance officer would constitute an offence under Canadian law but not under U.S. federal law, Canada would have the right to exercise exclusive criminal jurisdiction over the matter.¹⁰
2. Where the U.S. determines that the conduct supports a criminal charge for the specific offences of terrorism, murder, or aggravated sexual assault pursuant to U.S. laws, it would be required to notify Canada and, upon request by Canada, the U.S. would be required to waive its right to exercise primary criminal jurisdiction.¹¹
3. For those alleged offences that involve death, grievous bodily harm, or sexual assault involving reasonable fear or death or serious bodily injury, Canada may request that the U.S. ensure that the matter is reviewed by the appropriate U.S. prosecutorial authorities and the U.S. would be obliged to comply with that request.¹²
4. Where the U.S. would have the right to exercise its primary jurisdiction over an alleged offence but the matter is of particular importance to Canada, Canada could request that the U.S. waive its primary jurisdiction and the Agreement provides that in such circumstances the U.S. would be required to "give sympathetic consideration" to that request.¹³

***Criminal Code* amendments required in order to give effect to the Agreement**

Implementation of the new criminal liability framework would require amendments to the *Criminal Code*. In particular, legislation would be required to govern the institution and/or the termination of Canadian criminal proceedings involving U.S. preclearance officers to the extent agreed to in the Agreement. Legislation would also be required to restrict Canada's ability to seek the extradition of a U.S. preclearance officer from a third country when the U.S. exercises primary jurisdiction and it decides not to prosecute.

Control of criminal proceedings

The institution of criminal proceedings in Canada varies from province to province.¹⁴ Normally, the Attorney General of the province where an offence occurs conducts a *Criminal Code* prosecution and the Attorney General of Canada conducts the prosecution if it concerns an offence under another Act of Parliament. In cases where Canada and the U.S. have concurrent jurisdiction over an offence allegedly committed by a U.S. preclearance officer in Canadian

¹⁰ Art. X s. 8. In practice, this would mean, for example, that because Canada has an impaired driving offence and the U.S. has no equivalent federal offence, then there would not be concurrent jurisdiction over the alleged offence and Canada could rely on s.8 of Article X to exercise "exclusive" jurisdiction over the matter.

¹¹ Art. X s.12

¹² Art. X s.13. Otherwise, the matter would likely only be reviewed by the U.S. Department of Homeland Security.

¹³ Art. X s.16

¹⁴ Three provinces, New Brunswick, Quebec and British Columbia require charges to be reviewed by Crown Counsel before charges are laid by the police. In the remaining provinces and the three northern territories the police may lay charges without having them reviewed by the Crown.

territory and the U.S. is vested with primary jurisdiction it would be necessary to codify a statutory mechanism that provides for the possibility that the U.S. may exercise its primary jurisdiction over the matter before or after the initiation of a Canadian prosecution.

Options – Conduct of Criminal Proceedings against a Canadian preclearance officer for an alleged offence in the U.S.

In the event that Canada established preclearance operations in the U.S. under this reciprocal Agreement, it would be necessary to consider a number of issues.¹⁵

- 1) Who should review the alleged criminal conduct to determine whether it would constitute an offence under Canadian law and the appropriate response?
- 2) Who should conduct the prosecution in Canada of a Canadian preclearance officer alleged to have committed a crime in the U.S.? Should it be the Attorney General of Canada?
- 3) Where should such a prosecution occur? What factors could be used to determine the site of the trial?
- 4) What factors could be considered in determining whether Canada should agree to waive its primary jurisdiction over the alleged offence?

Options – Conduct of Criminal Proceedings against a U.S. preclearance officer

Various legislative options may exist in regards to the conduct of criminal proceedings in respect of a U.S. preclearance officer under the Agreement.

- 1) Stay of proceedings
 - a) Maintain the current division of prosecutorial responsibilities between the federal and provincial Attorneys General but amend the *Criminal Code* to provide the Attorney General of Canada authority to stay a prosecution by a provincial Attorney General of a U.S. preclearance officer in the event that the U.S. notifies Canada of its intention to exercise its primary jurisdiction over the matter.
 - b) Alternatively, the *Criminal Code* could be amended to require the Attorney General with carriage of the prosecution to stay the proceedings on receipt of a copy of the notice provided by the Government of the U.S..
 - c) In cases where a stay of proceedings has been entered under either option 1a or 1b above, an amendment to the *Criminal Code* would be required a provision to provide authority

¹⁵ Subsection 7(4) of the *Criminal Code* provides extraterritorial jurisdiction over CBSA officers (i.e., employee within the meaning of the *Public Service Employment Act*) who commit an act or omission in a place outside Canada that is an offence under the laws of that place and that, if committed in Canada, would be an offence punishable by indictment.

to recommence proceedings where the U.S., at a later date, waives the right to exercise primary jurisdiction.

2) Consent of the Attorney General of Canada

- a) Amend the *Criminal Code* to require the consent of the Attorney General of Canada prior to the commencement of criminal proceedings in respect of a U.S. preclearance officer in Canada in all cases.
- b) Alternatively, the *Criminal Code* could require the consent of the Attorney General of Canada for the continuation of criminal proceedings in respect of a U.S. preclearance officer in Canada in all cases. Secondly, if such a consent is required, it would be necessary to prescribe how much time should be given to the Attorney General of Canada to provide this consent.¹⁶

3) Vest the Attorney General of Canada with exclusive authority to prosecute U.S. preclearance officers under the Agreement

The Attorney General of Canada could be assigned exclusive authority to conduct criminal proceedings in respect of a U.S. preclearance officer under the Agreement.

Options - Limitations on the ability to seek the extradition of a U.S. preclearance officer

If it is determined that it would be preferable to statutorily constrain the ability of the Minister of Justice to seek the extradition to Canada of a U.S. preclearance officer from a State other than the U.S. when the Minister receives an extradition request submitted by a provincial Attorney General or the Director of Public Prosecutions that otherwise meet the treaty requirements, two options would exist to give effect to such a policy decision.

- a) The *Extradition Act* could be amended to expressly statutorily constrain the ability of the Minister of Justice to seek the extradition to Canada of a U.S. preclearance officer from a State other than the U.S..
- b) Alternatively, the new legislation could limit the ability of the Minister of Justice to seek the extradition to Canada of a U.S. preclearance officer from a State other than the U.S..

¹⁶ While the *Criminal Code* currently contains such provisions, it may be that the duration of the period during which the Attorney General of Canada may provide the consent would have to be longer than what has been enacted for other purposes. For example subsection 477.2 (1) provides:

477.2 (1) No proceedings in respect of an offence committed in or on the territorial sea of Canada shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

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21(1)(a), 21(1)(b), 69(1)(g) re (a)

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21(1)(a), 21(1)(b)

of the Access to Information Act
de la Loi sur l'accès à l'information

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69(1)(e)

of the Access to Information Act
de la Loi sur l'accès à l'information

MO BRIEFING ON MARIJUANA TASK FORCE

THURSDAY, APRIL 21, 2016

9:30 – 10:00

ITEM	SUBJECT	DOCUMENTS
1	POTENTIAL MARIJUANA TASK FORCE MEMBERS	List of Names
2	TIMELINE FROM DECK	Chart
3	LEGISLATIVE AND REGULATORY STEPS FOR LEGALIZATION	Health Canada Question and Answer
4	SUBMISSIONS FOR TASK FORCE MEMBERSHIP FROM PROVINCES AND TERRITORIES	List
5	LETTER TO DEPUTY MINISTER	Draft letter

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19(1)

**of the Access to Information Act
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DRAFT March 15, 2016

Proposed Path Forward for Legalizing and Regulating Marijuana: <i>Major Milestones</i>									
March 2016	April 2016	May 2016	Summer 2016	Fall 2016	Winter 2017	Spring 2017	Summer 2017	Fall 2017	2018
Write to P/Ts to seek nominations for TF	Identify and appoint chair and members	Task Force consultations, including with P/Ts							
Develop Terms of Reference, engagement plan									
	Staff Secretariat positions, including Public Safety and Department of Justice liaisons								
		Commissioning of expert reports							
Inventory currently-available data sources about use and harms of marijuana, and identify gaps and key stakeholders who may have data holdings	Initiate GoC research and surveillance working group to develop key indicators for reporting, and research and surveillance proposal to fill gaps, including potential external sources of data								Continue marijuana data collection, analysis and reporting
	Develop marijuana data analysis and reporting plan								

s.69(1)(g) re (c)
s.69(1)(g) re (e)

Policy, Legislative and
Regulatory

s.21(1)(a)
s.21(1)(b)

Task Force

Gather Baseline Data

s.21(1)(a)
s.21(1)(b)

Develop Public Education Plan	Public Opinion Research to inform baseline data and public education campaign	
	Develop marijuana data analysis and reporting plan	
Broader Engagement	Develop FPT engagement plan	

SECRET

March 22, 2016

14. Legalizing, Restricting and Regulating Marijuana

Lead: HECSB (with Departments of Justice and Public Safety)

Commitment: To legalize, restrict and regulate marijuana

RESULTS				
To create and implement a regulatory framework for marijuana that keeps it out of the hands of children and limits the profits of organized crime.				
INDICATORS				
1) Decreasing rates of use of marijuana by children and youth as measured by the bi-annual Canadian Tobacco, Alcohol and Drugs Survey (CTADS) and the Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS)* 1) Fewer Canadians are entering the criminal justice system and getting criminal records for minor, non-violent marijuana possession offences as measured by existing data sets for arrests and prosecutions. 2) Canadians are better informed about the risks of marijuana. For youth in particular, an increased understanding of the risks as informed by an evaluation of the public education campaign.				
Year 1 (2016) – Launch Task Force, receive their final report and start foundation work				
Key Actions	Activities	Timeline	Complete	Notes
1.				
2.				
3.				

s.69(1)(g) re (c)

s.69(1)(g) re (e)

SECRET

							Ongoing marijuana data collection, analysis and reporting.	Ongoing marijuana data collection, analysis and reporting.
4. Monitor impacts of new legislative and regulatory system	Inventory currently-available data sources about use and harms of marijuana, and identify gaps and key stakeholders who may have data holding	February-March	Completed				Ongoing marijuana data collection, analysis and reporting.	
	Develop key indicators for reporting, and research and surveillance proposal to fill gaps, including potential external sources of data	April-August						
	Develop marijuana data analysis and reporting plan	April-August						
5. Develop Public Education Campaign	Public Opinion Research to inform baseline data and public education campaign	Mar-Apr						
	Develop public education campaign specific to marijuana	Apr-Dec						
6. Engage directly with P/Ts	Develop FPT engagement plan	April 2016						
	Launch senior officials working group	June 2016						
	First meeting of officials working group	June-July						
7. Legislative and regulatory amendments	Early analysis on key issues	May-Aug						
	Commission studies and reports, as necessary to inform policy analysis	Fall 2016						

RISKS

The aggressive timelines noted above are based on the following assumptions:

1. ☐ There are no changes to scope/approach at any stage that would result in delays to legislation or regulations

s.21(1)(a)	s.69(1)(g) re (c)
s.21(1)(b)	s.69(1)(g) re (e)

Question and Answer – Legislative and Regulatory Steps for Legalization

Minister of Health

April 20, 2016

Q. What happens after legislation is tabled? Is marijuana legal and Canadians will be able to buy it?

A.

- Our Government has committed to legalizing, regulating, and tightly restricting access to recreational marijuana, in order to keep it away from our children and to stop criminals from profiting from the illicit trade.
- Tabling legislation is a first step toward legalization.
- New legislative authorities are needed to change the rules for possessing, producing, and selling marijuana, as well as for changes to the fines and penalties associated with operating outside of the law.
- The legislation will come into force once regulations are developed to create the new system.
- These regulations would set out the details of a new system for access to marijuana. For example, things like who produces and distributes marijuana, standards for labeling and packaging, and important safeguards like how to restrict access to keep it out of the hands of children.
- Canadians will have an opportunity to comment on the draft regulations as part of the regulatory development process.
- In the coming weeks, we will be launching a Task Force to study every aspect of our commitment to legalize, regulate and tightly restrict access to marijuana and to advise on the design of a new legalized system. Experts, provincial and territorial governments and the public will have an opportunity to provide input as we work to deliver on our commitment.

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19(1)

**of the Access to Information Act
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Dear Deputy Minister:

In letters sent on March 15th and 21st, the Honourable Jane Philpott, Minister of Health, the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, and the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, wrote to your Ministers to reaffirm their respective commitment to engaging provincial and territorial governments as they work to legalize, strictly regulate, and restrict access to marijuana.

Task Force

In order to deliver on this commitment, the Ministers sought recommendations on experts in the fields of public health, substance abuse, law enforcement and justice to be considered as members of a Task Force which will be mandated to engage with provincial and territorial governments, as well as other experts, to provide advice on the best possible approach for delivering on this commitment.

Thank you for the nominations that have been provided to date. For those still considering nominations, we are still interested to hear from you and would like to provide some additional information:

- To recommend a candidate, please provide a short biography to give a sense of why the candidate is being put forward, their field of expertise, and their contact information;
- It is envisaged that Task Force members would be publicly recognized experts in public health, substance abuse, law enforcement and justice. They can be external or internal to government;
- Protecting youth and other vulnerable groups is of particular importance as we develop this new system. I would like to reiterate the request for suggestions on how to better engage youth and to also seek your recommendation for youth experts; and

- Many of you have asked about the time commitment for Task Force members. While their scope of work may be intense at specific junctures, particularly during face-to-face consultations held across the country, it will not require full-time work throughout a mandate of approximately six months.

Intergovernmental working group of senior officials

As mentioned in the letters from the Ministers, a separate but parallel process will be developed to allow government-to-government dialogue throughout the consultation, design, and implementation process.

With a view to creating an intergovernmental working group of senior officials, we would like to request that each Province and Territory identify one or two representatives for this working group to act as focal points within their Province or Territory for this issue.

A secretariat of federal officials has been established to coordinate work regarding the legalization and regulation of marijuana. Please submit nominations and any questions or concerns to Mr. Eric Costen, Director General, Cannabis Legalization and Regulation Secretariat, by e-mail at eric.costen@canada.ca or by telephone at 613-941-0355.

I look forward to hearing from you.

Best regards,

Simon Kennedy

Madame/Monsieur,

Dans leurs lettres des 15 et 21 mars derniers, l'honorable Jane Philpott, ministre de la Santé, l'honorable Jody Wilson-Raybould, ministre de la Justice et procureure générale du Canada, et l'honorable Ralph Goodale, ministre de la Sécurité publique et de la Protection civile, ont confirmé à vos ministres leur engagement respectif à consulter les gouvernements provinciaux et territoriaux durant le processus visant à légaliser, à réglementer rigoureusement la marijuana et en restreindre l'accès.

Groupe de travail

Afin de remplir cet engagement, les ministres ont demandé à des spécialistes des domaines de la santé publique, de la toxicomanie, des forces de l'ordre et de la justice de recommander des personnes qui pourraient constituer un groupe de travail chargé de consulter les gouvernements provinciaux et territoriaux et d'autres experts, afin d'obtenir des conseils sur la meilleure approche possible.

Nous vous sommes reconnaissants des candidatures proposées. À ceux qui n'ont pas encore recommandé de candidatures, nous attendons toujours de vos nouvelles et nous souhaitons vous fournir des renseignements supplémentaires pouvant vous aider :

- Veuillez fournir une brève biographie qui explique pourquoi vous recommandez cette personne, précise son domaine de spécialité et indique ses coordonnées.
- Les membres du groupe de travail devraient être des spécialistes publiquement reconnus en matière de santé publique, de toxicomanie, de police et de justice et ils peuvent faire partie du gouvernement ou pas.
- La protection des jeunes et d'autres groupes vulnérables est particulièrement importante dans le processus d'élaboration de ce nouveau système. Je rappelle notre demande de suggestions sur de meilleurs moyens de consulter les jeunes, et j'aimerais également savoir si vous avez des spécialistes de la jeunesse à recommander.
- Vous avez été nombreux à nous demander combien de temps les membres devraient consacrer au groupe de travail. Bien que leur travail pourrait être intense à certains moments précis, en particulier durant les consultations en personne organisées dans l'ensemble du pays, cela ne représentera pas un engagement à temps plein durant tout le mandat, qui sera d'environ six mois.

Groupe de travail intergouvernemental de cadres supérieurs

Comme l'ont précisé les ministres dans leurs lettres, un processus distinct, mais en parallèle, favorisera le dialogue entre les gouvernements tout au long des travaux de consultation, de conception et de mise en œuvre.

Afin de constituer un groupe de travail intergouvernemental composé de cadres supérieurs, nous demandons à chaque province et territoire de désigner un ou deux représentants à ce groupe, qui joueront le rôle de correspondant pour leur province ou territoire sur cette question.

Un secrétariat de représentants fédéraux a été chargé de coordonner les travaux liés à la légalisation et à la réglementation de la marijuana. Veuillez transmettre vos candidatures, ainsi que toute question ou préoccupation, à M. Eric Costen, directeur général, Secrétariat de la légalisation et de la réglementation de la marijuana, par courriel à eric.costen@canada.ca ou par téléphone au 613-941-0355.

Dans l'attente de votre réponse, je vous prie d'agréer l'expression de mes sentiments les meilleurs.

Simon Kennedy